

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY CHAPMAN,

Plaintiff,

v.

Case Number 11-10789
Honorable David M. Lawson

HERFERT,

Defendant.

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AMENDED ORDER STRIKING PLAINTIFF'S DISCOVERY DOCUMENT

On June 2, 2011, the plaintiff filed a document entitled "Witness and Exhibit List," presumably as part of his initial disclosures required by Federal Rule of Civil Procedure 26(a)(1). This document should not have been filed with the Court, but only exchanged between the parties. *See* Fed. R. Civ. P. 5(d)(1). In fact, the Local Rules direct that "a party . . . may not file discovery material specified in Fed. R. Civ. P. 5(d)(1)." E.D. Mich. LR 26.2. This material includes "disclosures under Rule 26(a)(1) or (2) . . . [which] must not be filed until they are used in the proceeding or the court orders filing." Fed. R. Civ. P. 5(d)(1). The Court's scheduling order also specifies that copies of discovery disclosure reports should be "served on opposing counsel, *but not filed with the Clerk of the Court.*" Therefore, the Court will order the plaintiff's witness and exhibit list stricken from the record of this case.

Accordingly, it is **ORDERED** that the plaintiff's witness and exhibit list [dkt #11] is to be **STRICKEN** from the record.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 6, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 6, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL